

REMARKS

The Office Action dated April 2, 2008 has been received and reviewed. This response, submitted along with a Petition for a Two-Month Extension of Time, is directed to that action.

Claims 1 and 33 have been amended, and claim 21 has been cancelled. Support for this amendment can be found in claim 21 as originally filed and in paragraph [0041] of the corresponding published US application, 2006/0180607. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

Objections to the Drawings

The Examiner objected to the drawings because Figure 4 contains the reference number "36", which was not referred to in the text of the specification. The applicants have amended paragraph [0064] of the specification herein to refer to this number, thus obviating the objection.

Claim Rejections- 35 U.S.C. §112

The Examiner rejected claim 33 under 35 U.S.C. §112, second paragraph as lacking insufficient antecedent basis for the term "second portion". The applicants have amended the claim herein, thus rendering this rejection moot.

Claim Rejections- 35 U.S.C. §102

The Examiner rejected claims 1-5, 7, 9, 10, 12, 19-22, 25-27, 29, 30, 33, 34 and 36 under 35 U.S.C. §102(b) as anticipated by Speed et al. (US 2002/0187910). The applicants respectfully traverse this rejection.

Speed is directed to an automatic laundry or dish product comprising three distinct zones for delivering product during different stages of a wash cycle. The zones are separated by primary and secondary "trigger means", which trigger means enable delivery of the product by dissolving by different means (i.e. temperature, thickness, pH). Both trigger means are preferably comprised of polyvinyl alcohol (PVOH).

The Examiner contends that Speed teaches that the trigger means abut one another according to the presently claimed invention and previously embodied in former claim 21. However the Examiner failed to specifically cite to this teaching in Speed by page and line number. (See Office Action, page 6, paragraph 13). Despite the assertion, the applicants respectfully submit that there is simply no teaching of such an arrangement in Speed. Moreover, it would be illogical for Speed to disclose an arrangement like this because the trigger means in Speed are used to separate different products that are to be released in the wash water, and if the trigger means abutted according to the Examiner's contention, then the second (and/or third) product would not be released as required.

Based on the foregoing, the applicants submit that Speed fails to teach all of the limitations of the presently claimed invention, and the applicants respectfully request that this rejection be withdrawn.

Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 1-5, 7, 9, 10, 12, 19-22, 25-27, 29, 30, 33, 34 and 36 under 35 U.S.C. §103(a) as obvious in view of Ginn (US 4,588,080) in view of Speed; and claims 13-18 and 31 over Ginn in view of Waeschenbach (WO 00/06688 as evidenced by US 6,800,598). The applicants respectfully traverse these rejections.

First, the applicants submit that a *prima facie* case of obviousness cannot be established because the references fail to teach or suggest all limitations of the claimed invention. Similar to Speed as discussed hereinabove, neither of Ginn or Wacschenbach teach or suggest two or more layers that abut one another. Indeed, all of the references are completely silent as to this limitation. Accordingly, the references as combined, fail to teach or suggest all of the limitations of the presently claimed invention.

Second, the applicants submit that, even if, for the sake of argument, a *prima facie* case of obviousness can be established, the *prima facie* case is rebutted by the surprising and unexpected results of the presently claimed invention. A skilled artisan would expect that hydrophilic and hydrophobic layer would be incompatible when layered and abutted against one another. Therefore, it was surprising that the manufacture of a bi-layer structure was even possible. However, it was even more surprising and unexpected that the presently claimed arrangement creates the strongest synergistic mutual supporting relationship. (See paragraphs [0039] through [0041]). This effect is neither taught nor suggested in the cited references, or in the knowledge of the skilled artisan. Accordingly, the applicants submit that the presently claimed invention exhibits unexpected and surprising results.

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Based on the foregoing, the applicants respectfully request that the Examiner withdraw these rejections.

The applicants believe the claims are now in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By



Mark D. Marin, Reg. No. 50,842
Attorney for Applicant
875 Third Avenue, 18th Floor
New York, NY 10022
Tel. 212-808-0700